

general claims against the receiver, on a parity with the claims of other creditors. The security of the lien of course remains intact, and if the real estate is sold, either through the receiver by order of court or foreclosure proceedings, the claim for water rent then takes its proper place as a lien and is preferred to subsequent lien holders on the same property. If, however, the real estate does not sell for a sufficient amount to pay all the prior liens, and the lien for water rent, the claim for water rent remains as a mere general claim against the estate in the hands of the receiver and cannot be said to possess any priority over the claims of other general creditors merely by reason of the fact that it had been a lien on the real estate included within the estate in charge of the receiver. The same is true when the property of a bankrupt is administered by a trustee in bankruptcy.

The case of *City of Cincinnati vs. Schultz*, 97 O. S. 317 does not in any way limit or abridge the right of municipalities to acquire liens on real estate for water rents. This case merely holds that in the particular case under consideration no statute or rule of the water department of the city of Cincinnati provided that water rents were a lien on the personal property of persons or corporations which had been supplied with water.

I am therefore of the opinion, in specific answer to your questions, that where a municipality either by charter provision, ordinance or rules properly adopted for the management of its waterworks, provides that water rentals are a lien on the real estate to which water is supplied, such claim is not a preferred claim in the event the owner of the property becomes bankrupt or when the property is in the hands of a receiver, except in the sense that if the real estate is sold, the claim for water rent should be paid from the proceeds of said sale in preference to subsequent lien holders and general creditors.

Respectfully,

EDWARD C. TURNER,
Attorney General.

2113.

APPROVAL, BONDS OF THE VILLAGE OF NORTH COLLEGE HILL,
HAMILTON COUNTY—\$30,354.48.

COLUMBUS, OHIO, May 17, 1928.

Industrial Commission of Ohio, Columbus, Ohio.

2114.

APPROVAL, ARTICLES OF INCORPORATION OF THE AMERICAN
BROTHERHOOD OF COACH-OPERATORS.

COLUMBUS, OHIO, May 17, 1928.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter of the 16th instant inclosing the articles of incorporation of the American Brotherhood of Coach-Operators for my approval.

I am returning the same with my approval endorsed thereon.

Respectfully,

EDWARD C. TURNER,
Attorney General.